

# EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NESTLE PURINA PETCARE COMPANY, )  
 )  
Plaintiff, )  
 )  
v. )  
 ) No 4:14-CV-859 RWS  
BLUE BUFFALO COMPANY, LTD., )  
 )  
Defendant. )

MOTION HEARING  
BEFORE THE HONORABLE RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE  
SEPTEMBER 8, 2014

APPEARANCES:

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1 MR. ZALESIN: He did. So that's the issue with the  
2 deposition. And it's a fact issue. And if they want to  
3 designate him at the end of the case as an expert and try to  
4 qualify him as an expert and have him testify in that  
5 capacity, we have no objection to that in principle. If we  
6 have to -- if he gives us a second report and it's  
7 substantially and substantively the same as the first report  
8 and we don't need to depose him again, we're not going to go  
9 back and retrace our steps. We're not trying to create extra  
10 work for anyone. We're trying to get at the facts that lie at  
11 the core of this dispute. So that's the issue of the  
12 deposition.

13 THE COURT: Let's stay with the deposition, and we'll  
14 solve this.

15 MR. ZALESIN: Okay.

16 THE COURT: And then we'll talk about the  
17 confidentiality designation which is, I take it --

18 MR. ZALESIN: Okay. The only thing I would add on  
19 the deposition, Your Honor, is we have had -- they have  
20 essentially admitted to us and to you that this is relevant  
21 factual discovery. They've produced all these documents. It  
22 was in the lead up to we filed a motion for expedited  
23 discovery. We ultimately negotiated a resolution of that by  
24 which they agreed to produce their testing, but they never  
25 took the position that this is not appropriate fact discovery